

02-02-04

#154 DPC

PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)

Docket Number (Optional)

JSFO1-0047

First Named Inventor: LOUISE SENGUPTA

Art Unit: 2817

Application Number: 09/838,483

Examiner: DEAN O. TAKAOKA

Filed: APRIL 19, 2001

Title: WAVE GUIDE - FINLINE TUNABLE PHASE SHIFTER

RECEIVED

FEB 04 2004

## OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

## 1. Petition fee

- Small entity - fee \$ 5 (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.
- Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

## 2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of  
RESPONSE AND AMENDMENT AFTER NON-FINAL (identify the type of reply):

- has been filed previously on \_\_\_\_\_.
- is enclosed herewith.

- B. The issue fee of \$ \_\_\_\_\_

- has been filed previously on \_\_\_\_\_.
- is enclosed herewith.

02/03/2004 AWOIIDAF1 00000121 502697 09838483

01 FC:2452

55.00 DA

R15145  
8/15/2004 502697  
2004 002697  
12/15/2004 002697

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 30 2004

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U.S. Patent and Trademark Office

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 55.00)

Approved for use through 04/30/2003. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Complete if Known

Application Number	09/838,483	RECEIVED
Filing Date	19 April 2001	
First Named Inventor	Louise Sengupta	
Examiner Name	Dean Takaoka	FEB 04 2004
Art Unit	2817	
Attorney Docket No.	JSF01-0047(WJT08-009)	OFFICE OF PETITIONS

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number  
502697  
Deposit Account Name

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments

Charge any additional fee(s) during the pendency of this application

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee			
1002 330	2002 165	Design filing fee			
1003 520	2003 260	Plant filing fee			
1004 750	2004 375	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
<b>SUBTOTAL (1) (\$)</b>					55.00

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	
			- 3** =	X	

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$ 0.00)</b>		

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 55.00)

## SUBMITTED BY

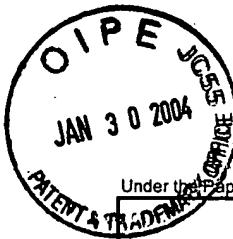
(Complete if applicable)

Name (Print/Type)	James S. Finn	Registration No. (Attorney/Agent)	38,450	Telephone	202-607-4607
Signature			Date	01/30/2004	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)

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FEB 04 2004

## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

01-30-2004

Date

  
Signature202-607-4607

Telephone Number

JAMES S. FINN

Typed or printed name

38450

Registration Number, if applicable

1718 M ST. NW #294

Address

WASHINGTON D.C. 20036

Address

Enclosure

- Fee Payment
- Reply
- Terminal Disclaimer Form
- Additional sheets containing statements establishing unavoidable delay

COPY OF EXPRESS MAIL CERTIFICATE VERIFYING MAILING

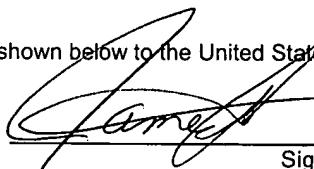
## CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

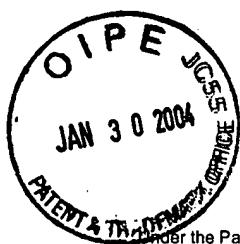
- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

01-30-04

Date

  
SignatureJAMES S. FINN

Typed or printed name of person signing certificate



PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

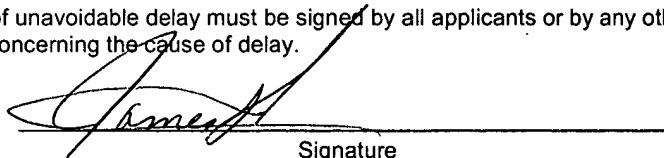
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

01-30-2004

Date



Signature

38450

Registration Number, if applicable

JAMES S. FINN

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

PLEASE SEE ENCLOSED STATEMENT IN SUPPORT  
OF THIS PETITION.

(Please attach additional sheets if additional space is needed.)



CERTIFICATE OF MAILING BY EXPRESS MAIL

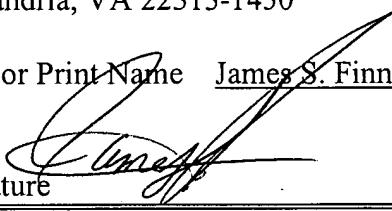
"EXPRESS MAIL" Mailing Label No. ER  
457949221 US

Date of Deposit: January 30, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Type or Print Name James S. Finn

Signature 



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 04 2004

In re application of:

OFFICE OF PETITIONS

*Louise C. Sengupta et al.*

Art Unit: 2817

Appl. No.: 09/838,483

Examiner: DEAN O. TAKAOKA

Filed: 19 April 2001

Atty Docket: JSF01-0047/WJT08-0009

For: **WAVEGUIDE-FINLINE  
TUNABLE PHASE SHIFTER**

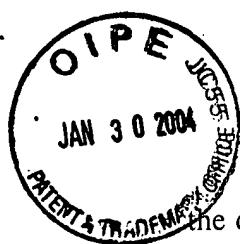
**STATEMENT IN SUPPORT OF PETITION FOR REVIVAL OF AN  
APPLICATION FOR PATENT ABANDONED UNABOIDABLY UNDER 37 CFR  
1.137(a)**

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to telephonic communication from Examiner Takaoka regarding the non-receipt of an office action response for the above referenced case and anticipated Notice of Abandonment to be mailed, Applicant submits the following statement in support of petition for revival of an application for patent abandoned unavoidably under 37 CFR 1.137(a).

Applicant received a non-final office action for the above referenced case on June 23, 2003. Further to that office action, Attorney for Applicant prepared and filed, via express mail on September 22, 2003, a response to that office action. In support of this, attorney for applicant submits a copy of the express mail certificate stamped by the US Post Office showing date of deposit at the post office of September 23, 2003. Please note

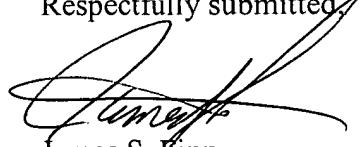


the docket number on the express mail certificate matching the present application with the express mail certificate. As the response had a return receipt post card attached and Applicant never received the post card, it is anticipated that the express mail including the response never made it to the mail room of the patent office. Should any other documentation be required in support of the above showing, applicant will expeditiously provide such.

A copy of the response is enclosed as filed on September 22, 2003. To ensure timeliness, Applicant is submitting this petition prior to receipt of a notice of abandonment.

The Patent Office is authorized to charge deposit account no. 502697 for the petition fee for unavoidable delay with small entity discount. However, if it is believed that this petition would not fall with the unavoidable standard, but rather must be considered unintentional, the Patent Office is authorized to charge this larger fee as well.

Respectfully submitted,

  
James S. Finn  
Reg. No. 38450

Date: 01-30-04

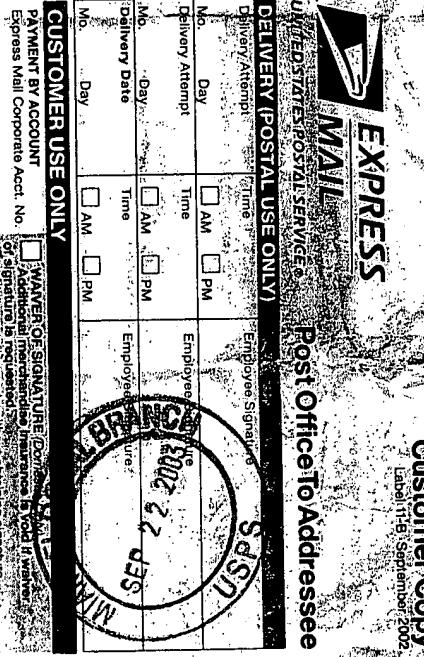
James S. Finn  
Registered Patent Attorney  
202-607-4607

Customer Copy  
Label 18 September 2002

**EXPRESS**  
**MAIL**

Post Office To Addressee

ER 42567134 US			
ORIGIN (POSTAL USE ONLY)			
ZIP Code 3123	Day of Delivery Next	Flat Rate Envelope <input type="checkbox"/>	
Mo. 12/16	AM PM	Postage \$ 13.65	<input type="checkbox"/> Second
Time 12 Noon	3 PM	<input type="checkbox"/> Return Receipt Fee	
Mo. 12/16	AM PM	<input type="checkbox"/> 2nd Day	
Mo. 12/16	AM PM	<input type="checkbox"/> 3rd Day	
Weight 5 lbs.	Int'l Alpha County Code S	COD Fee \$	Insurance Fee Fees
Acceptance Clerk Initials JW			
Weekend <input type="checkbox"/> Holiday <input type="checkbox"/>			
FROM: (PLEASE PRINT) JAMES E. BROWN (350-0047)			
TO: (PLEASE PRINT) DIRECTOR USPTO P.O. BOX 1450 ALEXANDRIA, VA			
NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday <input type="checkbox"/> Customer Signature _____			
PAYMENT BY ACCOUNT Express Mail Corporate Acct. No. _____ Federal Agency Acct. No. or Postal Service Acct. No. _____			
CUSTOMER USE ONLY <input type="checkbox"/> WAIVER OF SIGNATURE (Contract) An additional merchantable insurance is available. Signature is requested. Or signature is to be made without obtaining signature of addressee or business's agent. If delivery employee uses initials, he/she can do so in a secure location and authorizes him/her to do so by signature confirmation without proof of delivery.			

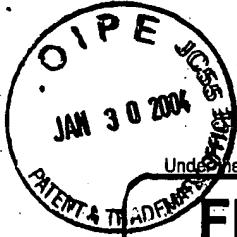


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[WWW.USPS.COM](http://WWW.USPS.COM)  
PRESS HARD. You are making 3 copies.

2 2 3 1 3 + 1 4 5 0

ZIP + 4

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

## Complete If Known

Application Number	09/838,483
Filing Date	19 April 2001
First Named Inventor	Sengupta
Examiner Name	SEUNGSOOK HAM
Art Unit	2817
Attorney Docket No.	JSF01-0047/WJT008-0009

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:
 Deposit Account Number  
 502697  
 Deposit Account Name  
 Finn Law Offices

 The Commissioner is authorized to: (check all that apply)  
 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			-3** =	X	=

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue Independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		

\*\* or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

## Large Entity

## Small Entity

FEB 04 2004

## Fee Description

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
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1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
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1253 930	2253 465	Extension for reply within third month	
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1255 1,970	2255 985	Extension for reply within fifth month	
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1402 320	2402 160	Filing a brief in support of an appeal	
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1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
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1801 750	2801 375	Request for Continued Examination (RCE)	0.00
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	James S. Finn	Registration No. (Attorney/Agent)	38,450	Telephone	202-607-4607
Signature		Date	09/22/2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PATENT

Serial No. 09/838,483

Docket No. JSF01-0047/WJT008-0009

	<p>I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Express Mail No. ER 426567134 US addressed to:</p> <p>Director of the US Patent and Trademark Office PO Box 1450 Alexandria, VA 22313-1450</p> <p>on <u>9/22/2003</u></p> <p>Signature </p>
--	--

INVENTOR

Sengupta et al.



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**TRANSMITTAL  
FORM***(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission	16	Application Number	09/838,483
		Filing Date	19 April 2001
		First Named Inventor	Louise Sengupta
		Art Unit	2817
		Examiner Name	SEUNGSOOK HAM

ENCLOSURES (Check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group	
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)	
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information	
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter	
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer		
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund		
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53			

**RECEIVED**

FEB 04 2004

OFFICE OF PETITIONS

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual	James S. Finn
Signature	
Date	09/22/2003

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 09/22/2003

Typed or printed	James S. Finn
Signature	
Date	09/22/2003

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JSF01-0047 (WJTO8-0009)

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FOR: Sen Gupta et al.

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PO ZIP Code	Day of Delivery
	<input type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/>
Date In.	Postage
Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM    \$
Time In	Military
<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day
Weight	Return Receipt Fee
lbs.    oza.	Int'l Alpha Country Code
	COD Fee
	Insurance Fee
No Delivery	Acceptance Clerk Initials
<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Total Postage & Fees

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Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

CUSTOMER USE ONLY	
PAYMENT BY ACCOUNT	
Express Mail Corporate Acct. No. <input type="checkbox"/> WAIVER OF SIGNATURE ON DELIVERY	
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